FARAD CONTINUATION SHEET

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO. 2309 OF 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions & Registrar's orders.	Court's or Judge's Orders

CORAM: ANOOP V. MOHTA, J.

DATED: 23RD AUGUST, 2004.

1. Heard.

2. The present Writ Petition is under Article 226 & 227 of the Constitution of India, filed by the original plaintiff and, thereby, challenged the order dated 13th February, 2002, passed in Misc. Civil Appeal No. 54 of 2002 filed by the respondents, whereby the injunction application (Exhibit-5) which was granted by the trial court by order dated 7th August, 2002, was rejected.

3. In the present Petition, Notice was made returnable on 11th June, 2003. However, pending the same, ad-interim relief in terms of prayer clause (d) was granted upto 18th June, 2003. This order, thereafter, as contended by

the respondents, was never continued by any further order. The learned Advocate for the petitioner makes a statement that they are in possession to which the other side is opposing. Considering this controversy, it is necessary that the parties to maintain status quo as of today, pending the decision of the Suit in question.

4. The suit is for simplicitor perpetual injunction between the parties from disturbing the possession of the land in question. In the circumstances, it is necessary that the suit itself should be disposed of by the trial Court, preferably within six months from the receipt of this order.

5. Petition is accordingly disposed of.

6. Certified copy expedited.

Parties to act on an ordinary copy of this order, duly authenticated by the Personal Secretary of this Court.

[ANOOP V. MOHTA, J.]